

# The Gazette of India

## EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

S. No. 16] NEW DELHI, SATURDAY, MAY 6, 1960/VAISAKHA 16, 1882

### MINISTRY OF LAW (Legislative Department)

*New Delhi, the 6th May, 1960/Vaisakha 16, 1882 (Saka)*

The following Acts of Parliament received the assent of the President on the 6th May, 1960, and are hereby published for general information:—

### THE ESTATE DUTY (AMENDMENT) ACT, 1960

No. 16 OF 1960

[6th May, 1960]

#### An Act further to amend the Estate Duty Act, 1953.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Estate Duty (Amendment) Act, 1960. Short title and commencement.

33 of 1958. (2) It shall come into force on the date on which the Estate Duty (Amendment) Act, 1958, comes into force.

34 of 1953. 2. In the Estate Duty Act, 1953, after section 5, the following section shall be inserted, namely:— Insertion of new section 5A.

“5A. (1) The amendments made to this Act by—

- 17 of 1954. (i) the Finance Act, 1954,  
41 of 1954. (ii) the Taxation Laws (Extension to Jammu and Kashmir) Act, 1954, and  
36 of 1957. (iii) the Repealing and Amending Act, 1957,

shall apply, and shall be deemed to have applied, to estate duty in respect of agricultural lands situate in the territories comprised in the States, except those in the States of West Bengal

Application in respect of estate duty on agricultural lands of Acts amending this Act.

and Jammu and Kashmir, but including those in the transferred territories, on and from the dates on which the amendments made by each of the amending Acts aforesaid respectively took effect :

Provided that where in respect of any part of the territories comprised in any of the said States the resolution of the Legislature concerned under clause (1) of article 252 of the Constitution was passed subsequently to the date on which the said amendments would otherwise have taken effect by virtue of the foregoing provision, the said amendments shall, in respect of estate duty on agricultural lands in that part of the said territories, be deemed to have taken effect only on the date on which this Act became applicable to estate duty in respect of agricultural lands.

(2) The amendments made to this Act by the Estate Duty (Amendment) Act, 1958, shall also apply to the levy of estate duty in respect of agricultural lands situate in the territories comprised in the States except those in the States of Orissa, West Bengal and Jammu and Kashmir. 33 of 1958.

(3) This Act shall cease to apply to the levy of estate duty in respect of agricultural lands situate in the State of Orissa and in the transferred territories, and, notwithstanding anything contained in sub-section (1), shall be deemed to have so ceased on and from the 1st day of April, 1959.

*Explanation.*—"Transferred territories" means the territories which as from the 1st day of November, 1956, were added to the State of West Bengal by virtue of sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956. 40 of 1956.

Omission  
of sec-  
tion 30.

3. Section 30 of the Estate Duty (Amendment) Act, 1958, shall be omitted. 33 of 1958.

## THE SUPREME COURT (NUMBER OF JUDGES) AMENDMENT ACT, 1960

No. 17 of 1960

[6th May, 1960]

An Act to amend the Supreme Court (Number of Judges) Act, 1956.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Supreme Court (Number of Judges) Amendment Act, 1960.

- 55 of 1956. 2. In section 2 of the Supreme Court (Number of Judges) Act, 1956, for the word "ten", the word "thirteen" shall be substituted. Amendment of section 2.

## THE INDIAN BOILERS (AMENDMENT) ACT, 1960

No. 18 of 1960

[6th May, 1960]

An Act further to amend the Indian Boilers Act, 1923.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Indian Boilers (Amendment) Act, 1960. Short title.

5 of 1923. 2. In section 2 of the Indian Boilers Act, 1923 (hereinafter referred to as the principal Act),— Amendment of section 2.

(a) in clause (b), for the words "five gallons", the figures and word "22.75 litres" shall be substituted;

(b) for clause (c), the following clause shall be substituted, namely:—

'(c) "Chief Inspector", "Deputy Chief Inspector", and "Inspector" mean, respectively, a person appointed to be a Chief Inspector, a Deputy Chief Inspector and an Inspector under this Act;';

(c) for clause (f), the following clause shall be substituted, namely:—

'(f) "steam-pipe" means any pipe through which steam passes from a boiler to a prime-mover or other user or both, if—

(i) the pressure at which steam passes through such pipe exceeds 3.5 kilograms per square centimetre above atmospheric pressure; or

(ii) such pipe exceeds 254 millimetres in internal diameter;

and includes in either case any connected fitting of a steam-pipe;'

3. In section 2B of the principal Act, the words and figures "and section 34" shall be omitted. Amendment of section 2B.

4. In clause (c) of sub-section (1) of section 3 of the principal Act, for the words "twenty gallons", the words "ninety-one litres" shall be substituted. Amendment of section 3.

Substitution  
of new sec-  
tion for sec-  
tion 5.

Chief Inspec-  
tor, Deputy  
Chief Inspec-  
tors and Ins-  
pectors.

5. For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. (1) The State Government may appoint such persons as it thinks fit to be Inspectors for the State for the purposes of this Act, and may define the local limits within which each Inspector shall exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act.

(2) The State Government may appoint such persons as it thinks fit to be Deputy Chief Inspectors for the State and may define the local limits within which each Deputy Chief Inspector shall exercise his powers and perform his duties under this Act.

(3) Every Deputy Chief Inspector may exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act and, in addition thereto, may exercise such powers or perform such duties conferred or imposed on the Chief Inspector by or under this Act, as the State Government may assign to him.

(4) The State Government shall appoint a person to be Chief Inspector for the State who may, in addition to the powers and duties conferred and imposed on the Chief Inspector by or under this Act, exercise any power or perform any duty so conferred or imposed on Deputy Chief Inspectors or Inspectors.

(5) Subject to the provisions of this Act, the Deputy Chief Inspectors and Inspectors shall exercise the powers and perform the duties conferred and imposed on them by or under this Act under the general superintendence and control of the Chief Inspector.

(6) The Chief Inspector, Deputy Chief Inspectors and Inspectors may offer such advice as they think fit to owners regarding the proper maintenance and safe working of boilers.

(7) The Chief Inspector and all Deputy Chief Inspectors and Inspectors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.”

45 of 1860

Amendment  
of section 6.

6. In clause (e) of section 6 of the principal Act, for the words “certificates of competency”, the words “certificates of proficiency or competency” shall be substituted.

Amendment  
of section 7.

7. In the proviso to sub-section (5) of section 7 of the principal Act, after the words “of an economiser”, the words “or of an unfired boiler which forms an integral part of a processing plant in which

steam is generated solely by the use of oil, asphalt or bitumen as a heating medium" shall be inserted.

8. In section 8 of the principal Act,—

Amendment  
of section 8.

(a) in clause (c) of sub-section (1), for the words "two hundred square feet", the figures and words "18·58 square metres" shall be substituted;

(b) in the proviso to sub-section (3), after the words "an economiser", the words "or an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium" shall be inserted;

(c) for the second proviso to sub-section (4), the following proviso shall be substituted, namely:—

"Provided further that in the case of an economiser or of an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium, the date fixed for its examination shall be within sixty days from the date of the receipt of the application and the owner shall be given not less than thirty days' notice of the date so fixed.";

(d) in the first proviso to sub-section (5), after the words "of an economiser", the words "or of an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium" shall be inserted.

9. In clause (c) of section 11 of the principal Act, for the words "certificates of competency", the words "certificates of proficiency or competency" shall be substituted.

Amendment  
of section 11.

10. After section 20 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
20A.

"20A. (1) Any person considering himself aggrieved by an order of the appellate authority refusing under section 20 to interfere with an order not to register a boiler or not to grant or renew a certificate in respect thereof on the ground that the boiler does not conform to the regulations made under this Act may, within two months of the communication to him of such

Power of  
Central Gov-  
ernment to  
revise order  
of appellate  
authority.

order, make an application to the Central Government for a revision of that order on the ground that such boilers are in use in other countries.

(2) Upon the receipt of such an application, the Central Government may, after calling for relevant records and other information from the appellate authority and considering the observations, if any, of that authority on the application and after obtaining such technical advice as the Central Government may consider necessary, pass such order in relation to the application, as the Central Government thinks fit; and, where the revision is allowed, the order shall specify the terms and conditions on which any variations from the regulations made under this Act are to be dealt with during the examination of the boiler."

Substitution  
of new sec-  
tion for sec-  
tion 21.

11. For section 21 of the principal Act, the following section shall be substituted, namely:—

Finality  
of orders.

"21. An order of the Central Government under section 20A and, save as otherwise provided in sections 19, 20 and 20A, an order of an appellate authority, or of the Chief Inspector, or of a Deputy Chief Inspector, or of an Inspector, shall be final and shall not be called in question in any court."

Amendment  
of section 24.

12. In section 24 of the principal Act,—

(a) at the end of clause (e), the word "or" shall be inserted;

(b) after clause (e), the following clause shall be inserted, namely:—

"(f) allows another person to go inside a boiler without effectively disconnecting the same in the prescribed manner from any steam or hot water connection with any other boiler or from fuel mains,".

Amendment  
of section 26.

13. In section 26 of the principal Act, for the words "six months", the words "twenty-four months" shall be substituted.

Amendment  
of section  
27A.

14. In section 27A of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The Board shall consist of the following members, namely:—

(a) such number of members, including the Chairman, not exceeding fifteen, as the Central Government

may nominate in the prescribed manner to represent that Government, the Union territories, the railways, the coal industry, the Indian Standards Institution, the boiler manufacturing industry, the users of boilers and, any other interests which, in the opinion of the Central Government, ought to be represented on the Board;

(b) a senior technical officer conversant with the inspection and examination of boilers, to be nominated by the Government of each State (other than a Union territory).";

(b) in sub-section (3), the words, brackets, letter and figure " , otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2)," shall be omitted;

(c) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) The Board shall have full power to regulate by means of bye-laws or otherwise its own procedure and the conduct of all business to be transacted by it, the constitution of committees and sub-committees of members and the delegation to them of any of the powers and duties of the Board."

15. In clause (c) of section 28 of the principal Act, after the words "prescribing the fees payable therefor", the words "and for the inspection and examination of boilers or parts thereof" shall be inserted. Amendment of section 28.

16. After section 28 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 28A.

"28A. (1) The Central Government may, by notification in the Official Gazette, make rules to provide for— Power of Central Government to make rules.

(a) the procedure to be followed in making applications under section 20A and the fees payable in respect of such applications; and

(b) any matter relating to the nomination of members under clause (a) of sub-section (2) of section 27A.

(2) Every rule made under sub-section (1) shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such

modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Amendment  
of section 29.

17. In section 29 of the principal Act,—

(a) in clause (a), after the words "Chief Inspector", the words ", of Deputy Chief Inspectors" shall be inserted;

(b) in clause (d), for the words "certificates of competency", the words "certificates of proficiency or competency" shall be substituted;

(c) for clause (f), the following clause shall be substituted, namely:—

"(f) for prescribing the fees payable for the issue of renewed certificates, for the inspection and examination of boilers or parts thereof or drawings for steam-pipes, for the testing of welders or for any other matter which, in the opinion of the State Government, would involve time and labour, and for prescribing the method of determining the amount of such fees in each case;"

Amendment  
of section 30

18. In section 30 of the principal Act, for the words "may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees", the words "may direct that a person contravening such regulation or rule shall be punishable, in the case of a first offence, with fine which may extend to one hundred rupees, and in the case of any subsequent offence, with fine which may extend to one thousand rupees" shall be substituted.

Insertion of  
new section  
31A.

19. After section 31 of the principal Act, the following section shall be inserted, namely:—

Power of  
Central Gov-  
ernment to  
give direc-  
tions.

"31A. The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution of the provisions of this Act, and the State Government shall comply with such directions."

Amendment  
of section 34

20. In section 34 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) In case of any emergency the State Government may, by general or special order in writing, exempt any boilers or steam-pipes or any class of boilers or steam-pipes or any boiler or steam-pipe from the operation of all or any of the provisions of this Act.

(3) If the State Government is satisfied that, having regard to the material, design or construction of boilers and to the need for the rapid industrialisation of the country, it is necessary so to do, it may, by notification in the Official Gazette and subject



to such conditions and restrictions as may be specified in the notification, exclude any specified class of boilers or steam-pipes in the whole or any part of the State, from the operation of all or any of the provisions of this Act."

21. The members of the Board holding office as such at the commencement of this Act shall continue to hold office until the Board is re-constituted under the principal Act as amended by this Act and on the re-constitution of the Board, shall cease to hold office as such.

Temporary continuance in office of members of existing Board.

## THE HINDU MARRIAGES (VALIDATION OF PROCEEDINGS) ACT, 1960

No. 19 of 1960

[6th May, 1960]

An Act to validate certain proceedings under the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Marriages (Validation of Proceedings) Act, 1960.

Short title and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. (1) All proceedings taken and decrees and orders passed before the commencement of this Act by any of the courts referred to in sub-section (2), exercising or purporting to exercise jurisdiction under the Hindu Marriage Act, 1955, shall, notwithstanding any judgment, decree or order of any court, be deemed to be as good and valid in law as if the court exercising or purporting to exercise such jurisdiction had been a district court within the meaning of the said Act.

Validation of proceedings of certain courts under Act 25 of 1955.

(2) The courts referred to in sub-section (1) are the following, namely:—

The court of an additional judge, additional district judge, joint district judge, assistant district judge, assistant judge and any other court, by whatever name called, not being lower in rank than the court of a subordinate judge.

G. R. RAJAGOPAL, Secy.

